

ORIGINAL

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RYAN BARRON, *et al.*, for themselves and a class of others similarly situated,

Plaintiffs,

v.

HELBIZ INC. *et al.*,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/28/20

Civil Action No.: 20-cv-04703

Hon. Louis L. Stanton,
District Judge

JOINT MOTION TO DISMISS MILOS CITOVEK

Now come Plaintiffs Ryan Barron *et. al.* and Defendant Milos Citovek and jointly move this Court to dismiss the claims against Defendant Citovek without prejudice and with both sides to bear their own costs. In support of this motion, Plaintiffs and Citovek state as follows:

1. On October 27, 2020, Plaintiffs filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) regarding Defendant Citovek, Dkt. 112. The pleading is defective as the Rule does not allow for dismissal of less than all defendants.
2. As a result the Clerk referred the notice to the Court for disposition.
3. To correct their error, Plaintiffs request leave to withdraw the notice.
4. Plaintiffs and Defendant Citovek jointly move to dismiss the claims against Defendant Citovek without prejudice and with both sides to bear their own costs.
5. Defendant Citovek has not answered nor filed a motion for summary judgment as of the filing of this notice.

So Ordered -

Louis L. Stanton

10/28/20

Respectfully submitted,

/s/ Michael Kanovitz
One of Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

I, Michael Kanovitz, an attorney, certify that on October 28, 2020, I filed the foregoing pleading using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Michael Kanovitz
One of Plaintiffs' Attorneys